

1 CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

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9 PUBLIC STAKEHOLDER SESSION - SACRAMENTO

10 CONCERNING THE ACCESSIBLE DELETION MECHANISM

11 AUDIO TRANSCRIPTION OF RECORDED PUBLIC MEETING

12 WEDNESDAY, JUNE 26, 2024

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15 AFTERNOON SESSION

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5 SERGE EGELMAN, researcher at UC Berkeley

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7 MATT SCHWARTZ, policy analyst at Consumer Reports

8 TRAVIS FRAZIER, Association of National Advertisers

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23 CRAIG ERICKSON

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25

1 MR. LAIRD: All right. I think we can go ahead and
2 get started if my colleagues agree. Well, hello, and good
3 morning everybody. Welcome to the California Privacy
4 Protection Agency Public Stakeholder session on the
5 accessible delete mechanism that's implemented by SB 362.

6 My name is Phil Laird, I'm the general counsel for
7 the Agency, and with me today is Liz Allen, an attorney with
8 the legal division, and Serini -- Serena Marzion with our
9 public affairs division. This session will be run until
10 2:00 p.m. And it will be recorded and a recording will be
11 posted on our website at cpa.ca.gov.

12 Around noon, we are planning to take a 10 or 15
13 minute break, and if at 2:00 there are still attendees
14 wishing to comment who have not had an opportunity to, we
15 are available to continue this session past that time after
16 another short break.

17 This session does cap off a month long preliminary
18 open comment period. All written comments received by the
19 Agency are being actively reviewed, and we are grateful to
20 everyone who took the time to submit their thoughts,
21 concerns, and recommendations in writing in advance of this
22 meeting.

23 Now, we're happy to have you here and we really
24 look forward to your feedback after we've provided a quick
25 overview of the law and where we are in the early stages of

1 this rulemaking process. So we'll move on to the next
2 slide, please.

3 So, first, lawyers have a good disclaimer. Just
4 please note a few things. Senate Bill 362, which is also
5 commonly referred to as the Delete Act, and you'll hear us
6 refer to that -- refer to it as that throughout this
7 meeting, authorizes the Agency to make rules to help
8 implement and administer the law. That said, the Agency has
9 not actually yet drafted regulations about the accessible
10 deletion mechanism, which doesn't come into effect until
11 January 1, 2026.

12 Now, this session is intended to gather that early
13 stakeholder input about this accessible delete mechanism,
14 which we are now referring to is the Delete Request and
15 Opt-Out Platform or DROP for short. And to hear your
16 thoughts about policy, technical, and consumer access
17 considerations.

18 This presentation does not implement, interpret,
19 or make specific the law enforce or administered by the
20 Agency, and it is not legal advice. So businesses watching
21 today should consult the statute in effect regulations
22 and/or an attorney before taking any action to ensure
23 compliance with the law.

24 Let's see. Next slide, please. So, quickly, I'll
25 just give you a brief overview about who we are and why

1 we're here discussing this today. So, although I anticipate
2 most of you're familiar with our Agency, I'll just for
3 anybody that is not.

4 We are here on behalf of the California Privacy
5 Protection Agency, which was created by a Belt initiative
6 passed in 2020, Proposition 24, and we are in fact the first
7 exclusive privacy regulator in the country. We have, sort
8 of, a variety of functions the law tasks us with carrying
9 out.

10 But broken down sort of most simply, the three key
11 roles of our Agency are this; it's rulemaking, issuing rules
12 to implement legal requirements, which we are discussing
13 today. It's promoting public awareness, information and
14 guidance to both consumers and businesses about the law. We
15 administer, enforce.

16 And auditing and enforcement. And so auditing
17 businesses for compliance, initiating investigations, and
18 enforcement actions when necessary to ensure compliance with
19 the law by businesses covered by the CPPA. The rulemaking
20 activities sit in the legal division of the Agency, which is
21 in part why Liz and I are here with you today. And the
22 legal division houses that team and we are overseeing the
23 implementation of SB 362.

24 So with that all in mind, we can move to the next
25 slide and I'm going to pass things on over to Ms. Allen.

1 Ms. Allen.

2 MS. ALLEN: All right. Thank you so much, Phil.

3 Yes, so let's start with what is a data broker? A
4 data broker under SB 362, the law we're discussing today, of
5 course, is a business that knowingly collects and sells to
6 third parties, the personal information of a consumer, with
7 whom the business does not have a direct relationship.

8 Certain types of data broker activity, which are
9 covered by other privacy laws, are exempt, including, like
10 for example, activity under the Fair Credit Reporting Act,
11 known as FCRA, or the Confidentiality of Medical Information
12 Act, or CMIA.

13 Research shows that data brokers are largely
14 unknown to the public because by definition these businesses
15 don't have a direct relationship with consumers. Because of
16 this, the average Californian consumer doesn't know what a
17 data broker is, let alone the name or the website of a data
18 broker, where they could go and exercise their privacy
19 rights.

20 So, what does the Delete Act do about these data
21 brokers? So the Delete Act contains two programs. The
22 first is the data broker registry. The State of California
23 has actually maintained a registry since 2020. It was
24 originally housed in Department of Justice and SB 362
25 transferred the registry to the Agency starting on January

1 1st of this year.

2 The law requires that any business that meets the
3 definition of data broker in the previous year, they must
4 register with the Agency, which includes paying a
5 registration fee. The registry with over 500 data brokers
6 is up and running. You can find it at
7 cppa.ca.gov/data_broker_registry, which is all one word.
8 And you can find our list.

9 You can sort by which data broker has certain
10 types of data such as reproductive healthcare data, data on
11 miners, or precise geolocation. The entire list is also
12 available for download. The second part of this bill is the
13 accessible deletion mechanism, which we're calling DROP.

14 And this is a mandate for the Agency to
15 essentially build a one-stop shop for consumers to request
16 the deletion of their non-exempt personal information from
17 all the data brokers registered within the State of
18 California. So this stakeholder session is just about this
19 second program, about the deletion mechanism itself.

20 So that brings us to the question of what is this
21 deletion mechanism? So the deletion mechanism allows the
22 consumer through a single verifiable request to request that
23 every data broker that maintains any personal information.
24 It's really that personal information related to that -- to
25 that consumer held by, not only the data broker, but also

1 our associated service providers and contractors.

2 This is the first of its kind deletion platform
3 nationally or internationally. And it's similar to its
4 cousin, which many people are familiar with, the Do Not Call
5 Registry. So we hope that the platforms helps consumers to
6 quickly and easily exercise their deletion and opt-out
7 rights.

8 As you've heard, we are referring to this platform
9 as the DROP because it's more descriptive and more clear for
10 consumers to understand, so Delete Request and Opt-Out
11 Platform. The platform importantly enables consumers not
12 only to delete their personal information, but the law
13 requires that if a data broker cannot delete the personal
14 information of the consumer, that the consumer's information
15 be opt-out -- opted out of sale or sharing.

16 So just to give you a quick visual of how this
17 would work. This is kind of how the law dictates that we
18 run this. So the consumer, can make a request to us either
19 individually by going to our website, or they can make a
20 request through an authorized agent.

21 An authorized agent is a person or business entity
22 that a consumer has authorized to act on their behalf. So,
23 for example, sooner a consumer may sign up, they may pay a
24 subscription service that -- to a -- to a company that makes
25 deletion requests on their behalf.

1 The Agency processes those requests, and data
2 brokers must access the DROP, the platform, every 45 days to
3 ensure they have an updated list of all deletion requests
4 from California consumers.

5 So some of the features of this platform is that
6 it's a free -- it's free, and consumer information will be
7 submitted and processed in a secure and privacy protecting
8 manner. Consumers can make a delete request of all data
9 brokers, or they can choose a narrower set of specific data
10 brokers they would like to send a request to.

11 For example, a consumer could decide to make a
12 deletion request only to data brokers who hold reproductive
13 healthcare data. The platform will also allow consumers to
14 verify the status of their requests. It will be accessible
15 to those with disabilities, and it will also allow consumers
16 to alter their requests 45 days after making the initial
17 request.

18 Data brokers also have certain requirements under
19 the law. They must register, which includes paying a
20 registration fee annually for every year that -- after they
21 meet the definition of a data broker. In August 1st, 2026,
22 the data brokers must access the drop -- access the drop and
23 process all deletion requests within 45 days.

24 In the case where a data broker cannot process the
25 deletion request, the data -- because the consumer cannot be

1 verified, the data broker must process the request as an
2 opt-out of sale or sharing of the consumer's personal
3 information. They must also direct their service providers
4 and contractors to do the same.

5 The Agency may charge the data brokers a fee to
6 access DROP -- the DROP, and the data brokers must update
7 their public disclosures July 1st every year to report about
8 the previous calendars year activity. That same information
9 will be reported to the Agency during their annual
10 registration.

11 And starting in 2028, they will -- all data
12 brokers must undergo an independent audit every three years
13 to ensure compliance with this law So that's a lot of
14 different dates, a lot of different times. Let's make that
15 a little bit easier to see and understand.

16 So here's where we are. The law was signed last
17 year in October by Gavin Newsom. We opened the data broker
18 registry in January 1st -- July 1st next week. Data brokers
19 must post certain public disclosures. January of 1st, 2026,
20 consumers may access the DROP and start making a single
21 deletion request -- or make deletion requests.

22 August 1st, 2026, data brokers must start
23 accessing the DROP system at least one time every 45 days.
24 And then 2028 starting January 1st, data brokers must
25 undergo an audit by an independent third party every three

1 years to determine compliance with the law.

2 And as a reminder of where we are in this world,
3 in between 2024 and 2026, we will be writing DROP
4 regulations and building a system. And the rulemaking we
5 are discussing today will be written and introduced to the
6 board over the next year. We intend to include -- complete
7 this rulemaking in -- by 2026.

8 All right. And I think that kind of gives you the
9 overview of the law and the requirement, so I'm going to
10 pass it back to Phil to get to talk briefly about the
11 rulemaking process.

12 MR. LAIRD: Thanks, Liz. That was super helpful
13 overview, and I promise everybody we're just going to talk a
14 little bit longer. Of course, the point of this session is
15 to actually hear from all of you.

16 But to give you a brief overview of sort of what
17 the rulemaking process is for California and for our Agency,
18 again, as Liz has stated and I stated earlier, we have not
19 actually drafted regulations, so you didn't miss something.
20 There's not draft regulations that you should be aware of on
21 this topic yet.

22 This really is a preliminary session to start
23 hearing feedback from all of you about what those
24 regulations and how this should look like, what the system
25 should look like, and what the experience should be for

1 consumers and data brokers alike.

2 So, within the rulemaking process though, we are
3 in that preliminary stage, step 1, which essentially will
4 help inform how we draft the regulations. And then once
5 we've drafted regulations, we will then in fact bring them
6 to our board. We are overseen by five member board, and it
7 will be up to the board to make decisions about final text
8 and any major policy decisions within sort of the framework
9 of what we're proposing.

10 And this, the board could go through multiple
11 rounds of sort of discussing, right, the proper sort of
12 scope and balance of requirements here. But after all of
13 that is when we'd finally moved to step 2, formal room
14 making. So once the board has landed on a set of texts that
15 they would like to formally start as the kind of initial
16 proposal for public consideration and for their
17 consideration, the Agency would publish a notice of proposed
18 rulemaking, which commences with a minimum 45-day period --
19 public comment period during which time you will have an
20 opportunity again to submit comments in writing or verbally.

21 This officially begins the formal rulemaking
22 process. Once the Agency reviews and responds to all public
23 comments, then the board will have the opportunity to either
24 decide, yes, we got the text right, we're going to go ahead
25 and adopt these regulations, or to further modify the text

1 and make additional amendments based on, you know,
2 information received during public comment or new concerns
3 that arise through that process.

4 But nevertheless, at some point the process ends
5 and the board will decide on a final set of regulations that
6 they will vote to adopt, and that's when we'll move to step
7 3, which is when we submit our final rulemaking package to
8 the Office of Administrative Law.

9 OAL, Office of Administrative Law, has 30 working
10 days to review the rulemaking record and proposed
11 regulations for compliance with the APA, the Administrative
12 Procedures Act. And if OAL approves the regulatory text, it
13 will file the text with the Secretary of State, which is
14 printed in the California Code of Regulations, and typically
15 takes effect within a quarter year. Although those
16 timelines can change dependent on a variety of factors.

17 Next slide, please. So, finally, although today
18 you're already doing a great job at figuring out
19 participation and sort of a rulemaking process and providing
20 public comment just by being here, by watching and perhaps
21 by providing public comment today, but some tips as you
22 continue to monitor this process going forward.

23 First of all, you can always subscribe to our
24 e-mail list to receive updates on our rulemaking and
25 upcoming board meetings, and we've provided the sub -- the

1 subscribe link here on this screen, and it's easy to find on
2 our website as well at cppa.ca.gov.

3 Secondly, you can attend our board meetings and
4 our public hearings. The agenda for these are always posted
5 on the website, and you can also watch recordings of our
6 past meetings. And to be clear, you know, you're always
7 welcome as the board deliberates on these issues if it's on
8 an agenda, to provide public comment at that stage, even if
9 formal rulemaking hasn't started.

10 But then, again, as I discussed earlier, once
11 formal rulemaking begins, there is always a formalized
12 opportunity for public comment during that period as well.
13 And finally, you can, of course, submit public comments.

14 And so when doing that, as I mentioned, you could
15 do it perhaps during a board meeting before the rulemaking
16 process begins, but you can also do it during this period,
17 informal rulemaking, either by writing it through submission
18 to the Agency or at a hearing where you could sit, submit
19 written comments or oral comments much like we're hosting
20 today.

21 So with that said, that essentially concludes our
22 presentation to just give you some understanding of where we
23 are today and what we're talking about. But again, the
24 overwhelming purpose of today's meeting is to really hear
25 from all of you.

1 We understand there's quite a few people
2 interested in potentially making public comment today. So
3 like we've done in other forms, we will open it up and
4 Serena will kind of discuss -- tell you about the ins and
5 outs of how to raise your hand and make a comment during the
6 session today.

7 For the time being, we will be limiting public
8 comments to three minutes per person just to make sure we
9 can accommodate everybody in our time today. But that said,
10 if at the end we -- we've -- we still have time left, we
11 would invite folks to come back and continue comments if
12 they had more statements to make. But for now, we will be
13 maintaining a three-minute limit.

14 So with no further ado, I'll turn it over to
15 Serena to kind of moderate our public comment session. And
16 I just want to say again in advance, thank you so much for
17 being here today. We're really looking forward to hearing
18 your feedback.

19 MS. MARZION: Okay. Thank you, Phil.

20 So we are now open for public comment. To make a
21 public comment at this time, please raise your hand using
22 the raised hand feature or by pressing star nine, if you're
23 joining us by phone. I'll call your name and unmute you
24 when it's your turn to speak. You'll have three minutes and
25 I'll give you a thirty second warning.

1 So right now I have Michelle Smith. I'm going to
2 unmute you at this time. You'll have three minutes to make
3 your comment. Please begin as soon as you are ready. Oh,
4 it looks like Michelle is no longer has her hand raised.

5 So then I will move on to Serge Egelman. Go ahead
6 and speak when you're ready.

7 MR. EGELMAN: Sure. Serge Egelman, I'm a
8 researcher at UC Berkeley. In my research I've found that
9 it's quite difficult for determining what companies are even
10 regulated by CCPA since most of the, you know, the threshold
11 requirements are non-public information, such as how many
12 consumers are in California or what their revenues are from,
13 you know, data from from California residents.

14 And so my question really is, what's going to be
15 done to ensure that companies that should be registering as
16 data brokers actually are since, again, you know, like those
17 threshold requirements don't seem to be, you know, apparent
18 to the general public?

19 One suggestion that I made to my state rep was
20 that, you know, maybe there could be -- you know, the law
21 could be amended to add a requirement such that each of
22 these companies as part of their statement of information
23 checks a checkbox that discloses that they are regulated
24 under CCPA.

25 Since many companies -- you know, any company

1 doing business in the state of California has to file one of
2 these annually anyway, adding a single checkbox to that
3 effect would make it a lot easier to try and figure out
4 who's being -- who should be regulated under CCPA. That's
5 really the extent of my comment.

6 MS. ALLEN: Serena, I think you're muted. I think
7 you called the next speaker, but I think you're muted.

8 MS. MARZION: Thank you. That was going to be
9 Brian May. I'm going to unmute you at this time. You'll
10 have three minutes. Please begin as soon as you're ready.

11 MR. MAY: Yeah, I've done a lot of work around the
12 question of deletion requests. And from the perspective of
13 a data broker, one of the more complex aspects of it is
14 trying to identify what data needs to be deleted, and from a
15 consumer's perspective, trying to identify -- how to
16 identify to the data broker what data needs to be deleted.

17 The analogy with Do Not Call list is adequate up
18 to the point at which a Do Not Call list is a single phone
19 number, which is removed from the call list of brokers with
20 something like a -- an online identifier that can be
21 anything from the half a dozen e-mail addresses that I have
22 to my phone number to something that is pseudonymous
23 generated by various algorithms to a random value placed
24 into a cookie.

25 And I'm trying to understand, what is the scope of

1 the platform in terms of the requirements for being able to
2 communicate up from the perspective of a consumer? This is
3 the data that is mine, that identifies me. And from the
4 perspective of a data broker, how do we figure out how to
5 take the inputs from the consumer, how to appropriately
6 address the data that we have, and how do we appropriately
7 communicate the data that we need to have our partners
8 address to our partners? That's it.

9 MS. MARZION: Thank you very much. Matt Schwartz,
10 I'm going to unmute you at this time. You'll have three
11 minutes to make your comment. Please begin as soon as
12 you're ready.

13 MR. SCHWARTZ: Good morning. My name is Matt
14 Schwartz, policy analyst at Consumer Reports based on
15 Washington DC. Thank you to the Agency for taking up this
16 important rulemaking to implement the Delete Act, which is
17 critical legislation to reign in the data broker industry
18 that for over the last 20 years has been able to collect
19 incredibly detailed profiles of almost every single
20 American, in most cases, without their knowledge or explicit
21 consent.

22 It's long past time that consumers are provided
23 with more control over the information these entities can
24 collect and use about them. Along with several privacy
25 groups, we submitted written comments in response to the

1 Agency -- Agency's call for preliminary comments on the
2 proposed rulemaking. So I won't repeat all of those
3 arguments here, but I do think it's important to stress a
4 few points.

5 First, we believe that the Agency should adopt the
6 position that in general there should be a low bar for
7 identity verification when consumers seek to use the
8 accessible deletion mechanism to send a deletion request.

9 The Delete Act is scoped fairly narrowly to focus
10 on data broker data that's primarily used for marketing
11 purposes. And as such, we don't believe there is a high
12 risk of harm from mistaken deletion requests. Whereas
13 because of data brokers inherently privacy eroding business
14 model, there is a high risk of harm from not deleting a
15 consumer's record.

16 We believe a consumer should be considered
17 verified when the Agency can either authenticate their
18 e-mail address or their phone number, and that a data broker
19 should be required to delete any information reasonably
20 associated with the consumer's profile that includes one of
21 those identifiers.

22 Second, we believe that the Agency should center
23 any rulemaking around the notion that the accessible
24 deletion mechanism should be as easy for consumers to use as
25 possible. That includes minimizing the information that

1 consumers should be required to include with their deletion
2 request, ensuring that consumers can rely on authorized
3 agents to send requests on their behalf if they desire, and
4 ensuring that data brokers cannot respond to requests sent
5 through deletion mechanism with individualized responses to
6 consumers.

7 The last thing that we'd want is the consumer's
8 universal deletion requests, resulting in hundreds of emails
9 from data brokers asking for consumers to verify additional
10 information to confirm that they're sure about the deletion
11 requests, or to ask them to whitelist them from the -- from
12 the deletion request.

13 In our experience as operating as an authorized
14 agent under -- with permission slip, data brokers have taken
15 advantage of verification processes to ask for extraneous
16 information that was not actually necessary to complete the
17 request, and have on occasion seemed to have misused
18 information submitted with the request for secondary
19 purposes. And so we should insulate consumers from those
20 harms as much as possible.

21 With that, thanks again so much for your
22 consideration of our views and we look forward to continuing
23 to work with the Agency to ensure the strongest possible
24 implementation of the Delete Act.

25 MS. MARZION: Thank you very much, Matt.

1 Okay. Travis Frazier, you'll have three minutes
2 to make your comment. Please begin as soon as you're ready.

3 MR. FRAZIER: Good morning. My name is Travis
4 Frazier and I represent the Association of National
5 Advertisers. We are the country's largest and oldest
6 advertising trade association representing more than 20,000
7 brands, along with numerous nonprofits, small businesses,
8 universities, and others from the ad industry.

9 I want to first say that we strongly believe in
10 protecting consumers through meaningful privacy protections,
11 reasonable laws, and strong self-regulation. As the Agency
12 begins its rulemaking under SB 362, we did, however, want to
13 highlight several areas where possible unforeseen
14 consequence -- consequences could occur as a part of this
15 rulemaking.

16 First, under the CCPU -- on first, under the CCPA
17 regulations, if a consumer uses an authorized agent to
18 submit a deletion request, the business may require the
19 agent to provide signed proof that the consumer gave the
20 agent permission to submit the request in addition to asking
21 the consumer to directly confirm their identity with the
22 business, or directly confirm that they granted the agent
23 permission to make the request.

24 We believe any proposed rules to implement the
25 Delete Act must be consistent with the CCPA in order to

1 allow for the efficient management and processing of
2 deletion requests made through the DROP. We also believe
3 the Agency should ensure authorized agents are held to the
4 same standards that data brokers and the Agency are held to
5 when they describe available rights to individuals.

6 Finally, the regulation should prohibit authorized
7 agents from making secondary uses of data they receive from
8 consumers, or charging consumers to submit requests when
9 this would otherwise be free. Additionally, the Agency
10 should draft rules that permit data brokers to independently
11 verify consumer requests to ensure consumers are the
12 individuals seeking to exercise rights under the law. This
13 is an area we've see -- we have seen addressed in the CPRA.

14 Next, under the California Delete Act, data and
15 entities subject to certain federal laws are exempt from the
16 scope of the accessible deletion mechanism. In addition,
17 the statute includes other relevant exceptions for requests
18 submitted through the DROP, such as exceptions relating to
19 maintaining data for security and integrity purposes. The
20 Agency should ensure that it makes these exemptions clear to
21 consumers on the main webpage that houses the DROP.

22 Finally, the Agency has publicized draft
23 regulations indicating that it is contemplating changes to
24 the legally defined term data broker under California law by
25 changing the definition of direct relationship. As

1 proposed, the definition of direct relationship would mean
2 the term data broker would likely cover every business in
3 California.

4 As sale is defined extremely broadly in the CCPA,
5 and virtually every business collects personal information
6 from third party sources other than the consumer themself.
7 We urge the Agency to draft rules that do not incorporate
8 this proposed definition of direct relationship, which goes
9 beyond the scope and intent of the law.

10 Thank you, and we look forward to continuing to
11 engage with the Agency as you promulgate these regulations.

12 MS. MARZION: Thank you, Travis.

13 Next we'll have Chris Deatherage. I'm going to
14 unmute you at this time. You'll have three minutes to make
15 your comment. Please begin as soon as you are ready.

16 MR. DEATHERAGE: Hi, my name is Chris Deatherage.
17 I'm an attorney who represents marketing companies within
18 the space. I'm going to keep my comment just to the
19 practical reality of small businesses that would fall under
20 the data broker definition.

21 Just be aware that there are a number of
22 businesses out there that wouldn't fall under what people
23 would generally, particularly the public, consider a data
24 broker. You know, the Cambridge Analyticas of the world
25 that amass all the data you can ever imagine, know what you

1 did since the day you were born.

2 There are a number of small entities out there
3 that just gather and by very targeted data for very specific
4 purposes, like providing consumers with quotes for services
5 and the like. A lot of these organizations are not
6 necessarily the most technologically sophisticated.

7 So I think it is very important that the Agency
8 makes sure that the process is ideally through an API or
9 some type of CSV file that's easily fulfillable and
10 manipulated by the organizations so that they can alleviate
11 any technical -- technological issues on their end when it
12 comes to fulfilling requests.

13 And while I think it is important that consumers
14 have an easy time submitting these deletion requests, I have
15 an easy time submitting these deletion requests, I have
16 personally seen clients of mine that have set up easy to use
17 forms that have been abused by unscrupulous actors to submit
18 requests in mass. And I mean, going from 50 a month to
19 50,000 a day.

20 These requests have spoof IP addresses, usually
21 the same handful of spoofed IP addresses. I cannot
22 speculate as to who or the motivation behind submitting
23 these, but it can be incredibly detrimental to a small
24 business to have entire swaths of consumers blocked from
25 doing business with them, essentially, based off of likely

1 no knowledge from that consumer at all.

2 This is a very political charged situation, so
3 there's any number of bad actors who could possibly take
4 advantage of that. So, again, while it should be as simple
5 as possible, I would say to submit these requests, there
6 does need to be verifiable mechanisms such as two-factor
7 authentication or something that might be implemented to
8 ensure that the consumer, who the request is being submitted
9 on behalf of, actually wanted that request to be submitted.

10 MS. MARZION: Thirty seconds.

11 MR. DEATHERAGE: And that's it for my comment.

12 MS. MARZION: Thank you so much, Chris.

13 Next we have David LeDuc. You'll have three
14 minutes to make your comment. Please begin as soon as
15 you're ready.

16 MR. LEDUC: Hi, my name is David LeDuc and I'm the
17 vice president for public policy for the Network Advertising
18 Initiative. Thank you for holding this preliminary process
19 to seek stakeholder feedback. The NAI is the leading
20 nonprofit self-regulatory association for advertising
21 technology companies, and for over 20 years, we've promoted
22 the highest voluntary industry standards for the responsible
23 collection and use of consumer data for advertising and
24 marketing.

25 The NAI submitted detailed written comments

1 yesterday, providing technical and operational
2 recommendations, and I will just summarize those comments
3 today. Our overarching goal is to help the Agency implement
4 a user-friendly platform that effectively serves both
5 consumers and registered data brokers.

6 After thoroughly considering the challenges and
7 benefits of multiple approaches for the Agency, the NAI
8 recommends that the Agency play a critical role in
9 authenticating individuals who submit requests through the
10 DROP before making those requests available to brokers.

11 If the Agency launches the DROP without properly
12 authenticating individuals, the result will be a confusing
13 and inefficient process for both consumers and registered
14 data brokers. This would lead to an undesirable alternative
15 that we refer to as the individualized consumer
16 authentication problem.

17 A scenario whereby each of the 500 plus registered
18 data brokers would be forced to authenticate each individual
19 making a request through the DROP. Specifically, the NAI
20 recommends the Agency perform the following two essential
21 authentication procedures.

22 First, to determine if the request comes from a
23 California consumer, and second, to determine that the
24 consumer has ownership or control over specific identifiers
25 the individual submits in connection with the request.

1 Further, regarding pseudonymous identifiers, which
2 are widely used by NAI members and across the digital
3 advertising industry for their benefit they provide to
4 consumer privacy, we offer additional recommendations. We
5 urge the Agency to carefully consider how it will handle
6 authentication of pseudonymous identifiers and treat these
7 in a different manner, including identifiers such as device
8 IDs, cookie IDs.

9 One of the biggest potential challenges to
10 ensuring authenticated consumer requests is the role that
11 authorized agents established by the Delete Act play under
12 the law. Therefore, it is imperative that the Agency
13 distinguish between determining whether an authorized agent
14 is eligible to assist in the individual and -- to assist an
15 individual in making request through the DROP from whether
16 the Agency has authenticated the individual whom the
17 authorized agent is acting on behalf of.

18 Ultimately, the risk of the DROP becoming subject
19 to fraud and abuse is just too high if the Agency seeds the
20 task of authenticating those individuals and the specific
21 identifiers to these authorized agents where neither the --

22 MS. MARZION: Thirty seconds.

23 MR. LEDUC: -- nor the brokers would have
24 sufficient transparency into the authentication process. So
25 the NAI urges the Agency to perform the additional layer of

1 authentication for these individuals submitted for both the
2 benefit of consumers and registered brokers.

3 We offer some additional recommendations in our
4 comments and appreciate once again taking the opportunity to
5 solicit feedback. We look forward to working with the
6 Agency and other stakeholders as you move this process
7 forward. Thank you.

8 MS. MARZION: Thank you, David.

9 Next we have Haley. I'm going to unmute you at
10 this time. You'll have three minutes to make your comment.
11 Please begin as soon as you're ready.

12 MS. TSUKAYAMA: Hello, my name is Haley Tsukayama
13 and I'm associate director of legislative activism at the
14 Electronic Frontier Foundation. We were strong supporters
15 of the California Delete Act and signed onto comments with a
16 number of civil society groups submitted yesterday.

17 I'll keep my remarks brief, but I mostly would
18 like to underscore that as mentioned in those comments, we
19 believe there should not be too high a bar for consumers to
20 meet when it comes to identity verification under this law.

21 In cases where, you know, a request comes directly
22 from a consumer visiting the accessible deletion mechanism,
23 we believe the request should be considered verifiable when
24 either an e-mail address or a phone number can be
25 authenticated by the Agency.

1 The goal of the original bill was to make
2 California's landmark privacy law more usable for consumers.
3 The deck -- the deck is often stacked against individual
4 people who do not have time to go after all of these
5 companies and ask them for their information and ask them to
6 delete their information.

7 And so we want to make sure that the regulations
8 follow in the spirit of the intent of the bill and to make
9 it very easy for people to exercise their privacy rights.
10 Thank you very much for the opportunity to comment.

11 MS. MARZION: Next we have, Aleecia. You'll have
12 three minutes to make your comment. Please begin as soon as
13 you're ready.

14 MS. MCDONALD: Thank you so much for taking the
15 time to listen to our comments today. My name is Aleecia
16 McDonald. I'm an academic mostly associated with Carnegie
17 Mellon. And for five years I've been assigning my students
18 the task of sending delete and opt-out requests as early as
19 September 2018 before there was even force of law behind the
20 CCPA.

21 So I've watched as students have tried to exercise
22 their rights as Californians. What we've seen is that
23 asking for additional personally identifiable information
24 has a chilling effect and it decreases willingness to
25 exercise their constitutional rights for privacy. Moreover,

1 the following circumstances kept happening.

2 A student would visit a website directly from a
3 data broker, and they would then be asked for their name or
4 e-mail address or phone number, some other PII to
5 authenticate, but the data broker holds the data about that
6 student in pseudonymous form.

7 So the data broker would come back and say, well,
8 there's no match, so there's nothing to delete. There's no
9 data for you that we hold because the data are pseudonymous.
10 So the data broker continues to collect and sell data based
11 on technical identifiers like http cookies or browser
12 fingerprinting, rather than have it linked to the PII that
13 they ask for.

14 So I would posit that if a company can identify a
15 user well enough to profit from seeing that user again
16 uniquely, that they should also be able to fulfill the
17 constitutional privacy rights that users have. This poses
18 challenges for the way that DROP is architected and thought
19 about normally.

20 So what I would suggest is that we need to think
21 about how we will also interact with pseudonymous data that
22 might, for example, mean authorized agents using redirects,
23 which we normally think of as privacy invasive rather than
24 privacy enhancing.

25 I would also posit that since companies don't need

1 additional authentication, like driver's licenses, to
2 collect data about their users and sell that data, in fact
3 they're not even their users, that that implementation is
4 not appropriate also for deletion, that the technologies
5 that companies are using for the data collection and sales
6 side should also be sufficient for the delete and opt-out.

7 So I thank you again for your time. I have
8 additional thoughts and comments filed, but I really want to
9 highlight this and also highlight the issue that we have
10 children who are not being considered. They do not need to
11 opt-out. They have opt-in. We need to think about how we
12 handle children and their parents as well under this system.
13 Thank you very much for your time.

14 MS. MARZION: Thank you so much, Aleecia.

15 If there are any other members of the public like
16 to speak at this time, please go ahead and raise your hand
17 using the Zoom's "raised hand" feature or by pressing star
18 six if you're joining us by phone.

19 Kale Smith, I'm going to unmute you at this time.
20 You'll have three minutes to make your comment. Please
21 begin as soon as you're ready.

22 MR. K. SMITH: Hi, I'm Kale Smith from Roku worked
23 on the IAB Tech Labs working group which has just finalized
24 a data deletion standard, the data deletion request
25 framework, which I believe is actually well suited to

1 potentially be the protocol to communicate deletion requests
2 from the CPPA to various data brokers.

3 And so I would just like to advocate that, you
4 know, there -- there's a standard that is fresh and then
5 ready to be adopted by the rest of the industry, and I think
6 this is a good opportunity to encourage further adoption and
7 reach a critical mass where it becomes, you know, used
8 beyond just the advertising use cases, but into data brokers
9 as well.

10 There are some areas of the standard that I think
11 could be updated. There's, you know, some considerations
12 where it was initially drafted for real time communication.
13 I think the DROP is centered around more of a batch kind of
14 processing, so I think there's maybe some areas that
15 potentially could be extended.

16 But the standard itself is extensible, and I think
17 that even just with some minor tweaks, it could suffice with
18 some of the requirements here. There are some other areas
19 around, you know, authentication and user identity that are
20 purposely vague in the standard, but I think that actually
21 enables, you know, flexibility with being able to
22 interoperate with however data brokers are able to identify
23 a user.

24 So I think it's something that is worth looking
25 into, and I'm sure we'll talk later as I've already

1 submitted some written comments as well on the matter.
2 Anyways, that -- that's all I wanted to say for now.

3 MS. MARZION: Thank you very much.

4 Okay. If there are any other members of the
5 public who'd like to speak at this time, please go ahead and
6 raise your hand using Zoom's "raised hand" feature or
7 pressing star nine if you're joining us by phone.

8 Michelle Smith, I'm going to unmute you at this
9 time. You have three minutes. Michelle Smith, go ahead and
10 speak when you're ready.

11 MS. M. SMITH: Hello, thank you for the opportunity
12 to speak. I am Michelle Smith, a US-based private sector
13 certified information privacy professional candidate and a
14 member of the International Association of Privacy
15 Professionals. I've spent the last several years in
16 corporate information security like cybersecurity and risk
17 management, becoming the in-house specialist on CCPA and
18 CPRA, which have not yet evolved to have clear protections
19 in place for job seekers who apply through online channels.

20 The modern job application process is online and
21 applicants encounter, the cover letter upload phase, the
22 resume upload phase, the form fill parsing phase, the
23 voluntary self-identification gender, race, ethnicity and
24 veteran status aspect, and then the voluntary
25 self-identification disability phase. There's also the

1 phase of consenting to have data handled as a prerequisite
2 to an application input being accepted as submitted.

3 What I'm finding is that there's a lot of
4 ambiguity in terms of how data is being handled, and what I
5 find concerning as an applicant is that I have to consent as
6 part of the application process to even being considered for
7 a screening.

8 And I find that there is no feedback in terms of
9 what happens if a position is eliminated? What happens if I
10 am rejected but not contacted? At what point do I have
11 recourse and what recourse do I have to call back the
12 information that I've submitted? Like what rights do I
13 have? What process are in -- are in place to protect me
14 from divulging information that can be used to undermine my
15 privacy rights, I, future Michelle, you, future applicants?

16 So I -- I'm on here to express concern for
17 applicants during this period of a lot of positions being
18 open and yet a lot of people applying for positions, but
19 where does the information go? And in terms of calling that
20 back from those I submit information to, and then the
21 business partners of those platforms, of those employers, of
22 those third party recruiters.

23 That's my comment. Thank you so much.

24 MS. MARZION: Nicole Smith, I'm going to unmute you
25 at this time. You'll have three minutes to make your

1 comment. Please begin as soon as you're ready.

2 MS. N. SMITH: Hi, my name is Nicole Smith. I'll
3 make this brief because I'm getting over a flu. I'm a
4 privacy and cybersecurity counsel. I work in the private
5 sector and have worked for both security companies, as well
6 as marketing companies. And I want to echo some of the
7 sentiments that have been expressed here on the phone call
8 already, that the mechanism in order to activate the delete
9 should be as simple as possible.

10 And to illustrate this, I'd like to tell you a
11 little bit about how I went through this. Just trying to
12 unsubscribe my mother, who just celebrated her 85th
13 birthday, from a lot of unwanted marketing emails --

14 MS. MARZION: Nicole, we don't hear you at this
15 point. Did you mute yourself?

16 MS. N. SMITH: -- simplified.

17 MS. MARZION: Oh, there you are.

18 MS. N. SMITH: Yeah. To keep things as streamlined
19 and simplified, I think, so that we're also keeping in mind
20 our older generations is key because they no longer have the
21 same faculties. They can't read the same small print. They
22 may not be as well versed with a cell phone, for instance,
23 if you have that double factor authentication coming via
24 cell phone text, that's not something that my mother could
25 do at this point.

1 So -- and I'd also like to shed some light on the
2 harm of having a request accidentally submitted, because I
3 thought about that when someone raised it earlier. If there
4 is an accidental deletion, but request submitted without
5 thorough authentication, I'm trying to see what the actual
6 harm is.

7 We process them at every company that I've been
8 at, and our marketing teams are fairly responsible. They do
9 not want to reach out to people who find the marketing
10 unwanted and want to be respectful of consumer's wishes.

11 And I think that what -- when we're talking about
12 harm of an accidental request going through that wasn't
13 authenticated properly, we're not talking about
14 unsubscribing someone from --

15 MS. MARZION: Thirty seconds.

16 MS. SMITH: -- notification services here. We're
17 talking about the behind the scenes sale of their data, the
18 behind the scenes sharing of data that makes an extra
19 e-mail -- marketing e-mail, right, or marketing telephone
20 call possible.

21 So I don't think that I really can still visualize
22 what, if any, harm truly exists if an inadequately
23 authenticated request in this mechanism goes through.
24 That's all I have to say. Thank you so much.

25 MS. MARZION: Thank you so much, Nicole.

1 Okay. If there are any other members of the
2 public who'd like to speak at this time, please go ahead and
3 raise your hand using Zoom's "raised hand" feature or by
4 pressing star six if you're joining us by phone.

5 MR. LAIRD: Well, thank you for all those comments
6 received so far. We've -- we're here to keep this window
7 open, understanding some folks may not have been able to
8 join at the beginning, so we'll remain here in the
9 presentation and look forward to hearing further comments,
10 if there are any, throughout the rest of the morning and
11 early afternoon.

12 So encourage those listening in, wanting to make a
13 public comment, please do when you're prepared to do so.
14 Otherwise, we will be here sort of on standby until 2:00.

15 MS. MARZION: Jared, I'm going to unmute you this
16 time. You'll have three minutes to make your comment.
17 Please begin as soon as you're ready.

18 MR. MOSCOW: Hi, my name is Jared Moscow. I work
19 at the IAB Tech Lab. I can just echo some comments shared
20 by Brian May and Kale Smith from Roku earlier. We just
21 completed and released a data deletion request framework
22 that was actually built and contributed to by many companies
23 in the ad tech space, but there are also a lot of the
24 companies that populate the existing data broker registry in
25 California.

1 And just would encourage the CPPA to review the
2 specification and reach out to the companies that kind of
3 overlap both lists and also the tech lab for any technical
4 exploration and understanding for what has been built and
5 kind of provided to the industry as a standard method for
6 communicating deletion requests between requesters and
7 recipients.

8 I think there's a lot of potential use and
9 acceleration for the State of California in terms of making
10 this easier for the broker side of the equation as well.
11 Yeah, just wanted to include that on top of all the other
12 consumer feedback that's also been raised today, which super
13 valuable.

14 So that's all from my side. Thank you.

15 MS. MARZION: Again, the public comment session
16 will remain open until 2:00 today. So please be sure to
17 raise your hand if you're using Zoom's "raised hand" feature
18 or by pressing star six if you're joining us by phone.

19 Once again, that public comment will be open today
20 until 2:00. And if you'd like to make a comment, please use
21 your raised hand if you're on Zoom and star nine if you're
22 going to be joining us by phone. Thank you.

23 Scott Rice, you'll have three minutes to make your
24 comment. Please begin as soon as you're ready.

25 Scott Rice, please begin as soon as you're ready.

1 MR. RICE: Thank you. I would like to ask for
2 clarifications or requests that is part of the -- any new
3 legislation regulation that there could be additional
4 clarifications around the responsibilities of processors or
5 any companies for that matter that fit within California's
6 fairly broad definition of the term data broker, but
7 companies that don't actually have consumer data.

8 There are certainly references to processors
9 certainly in the, you know, the proposed regulations on the
10 federal law. There's differentiation between a processor
11 and someone who actually can -- who actually holds the
12 content. But California's rule tends to cover processors
13 within the term data broker, but there isn't a lot of
14 clarification about what you do as a processor if you don't
15 actually have data to remove.

16 The other thing I would love to see at some point
17 in future regulations is a standardization of the
18 requirement for privacy brokers who submit requests on
19 behalf of consumers. Those would be companies like Incogni
20 and Aura and the various companies that charge consumers a
21 subscription for, you know, for forwarding a consumer's
22 privacy data to the various, you know, various parties
23 listed on the various data broker websites, including your
24 registry. That's all. Thank you.

25 MS. MARZION: Thank you so much, Scott.

1 Again, public comment today is open until 2:00.
2 So if you'd like to make a comment, please raise your hand
3 using the "raised hand" feature or by pressing star nine if
4 you're joining us by phone.

5 MR. WARREN: Are you able to hear me.

6 MS. MARZION: Warren, yes. You have three minutes
7 to make your comment. Please begin as soon as you're ready.

8 MR. WARREN: Great. Thanks. I just want to -- I
9 echo some of the statements said by other people. And the
10 three areas that, you know, I hope get looked into as part
11 of this is -- the first is enforcement of data brokers
12 registering in California.

13 I believe there are a number of them out there
14 that qualify as far as how their business is run, the number
15 of residents that they have data on would qualify them to
16 have to be registered, yet they are not. So I'm interested
17 in, you know, hopefully a mechanism for getting teeth behind
18 being able to have them register.

19 And the second, similar to the gentleman who just
20 spoke previously, data brokers who may be more processors
21 and they may say, we don't have data on you. We collect
22 public data available about you, but we don't -- we're not
23 ourselves collecting data on you.

24 I think there -- it would be helpful to have a
25 carve out or some additional language dedicated to them that

1 if I were -- wanted to delete myself from them, it would
2 prohibit them from getting that public data, something in
3 that vein so that's not a loophole for them to continue
4 using my data after I make a delete request.

5 And the third one, also similar to someone said
6 earlier, about the need for the minimum amount of data
7 needed to verify someone for delete. I think if there is
8 some -- a way to get some standardized language of what
9 should or would qualify because I have seen where here's my
10 name, here's my age, here's my city, well, that's not enough
11 information. I need your phone number, I need your e-mail.

12 And again, it seems like I have provided enough
13 information to reasonably have you find me and delete me,
14 and yet you are not. So those are just the areas I'd -- I
15 want to bring up here. Thank you.

16 MS. MARZION: Thank you very much.

17 Again, we'll be taking public comment until 2:00.
18 So if you'd like to make a comment, please go ahead and
19 raise your hand using the Zoom's "raised hand" feature or by
20 pressing star nine if you're joining us by phone.

21 Noah, I'm going to unmute you at this time.
22 You'll have three minutes to make your comment. Please
23 begin as soon as you're ready.

24 MR. WIEDER: Thank you. This is Noah Wieder with
25 Searchbug. I'm the CEO. And I've been listening to the --

1 some of the comments, and I just want to reiterate, some
2 people really don't understand what a data processor, a data
3 broker processor is.

4 We're a data broker processor. We don't go out
5 and collect public information. Anytime someone comes to
6 the website, whether it's a business or marketing company,
7 or most -- mostly Fortune, you know, 500, 100 companies
8 looking to verify or validate data, it's not something that
9 we just go out to the public records and find information.
10 So it's not like we can delete something we don't have.

11 Every time somebody looks something up, some of us
12 have to go out to our -- to the other data providers and
13 create a report or look at the information and validate it
14 to make sure that it is who they say they are. So we don't
15 have anything to delete, even if it's public record. So
16 just to say, you know, to be able to find other data brokers
17 or other people that are collecting information isn't
18 necessarily true.

19 The other issue is authentication. Companies like
20 -- I think it was Scott that was mentioning it, one of those
21 clients right now is a company called AtlasMail. And out of
22 New Jersey, they're using a law called Daniel's Law to
23 inundate data brokers with tens of thousands of names to get
24 them to opt-out of being, what's considered a covered
25 person, without any verification from our standpoint. So we

1 don't really even know that they've been properly
2 authenticated.

3 So my concern is if it's a tool that others can
4 abuse, people are going to scrape data or buy lists and
5 submit them to this new tool that the CCPA has and basically
6 inundated. I mean, there could be tens of thousands of
7 requests a day, and they could be valid, they could be
8 invalid, they could just be phone numbers.

9 I mean, you know, we -- we've got -- we got a list
10 of a few thousand names and addresses and phone numbers, but
11 that ends up being tens of thousands of pieces of data that
12 we have to figure out how to block and not delete because we
13 don't own the data. So those are --

14 MS. MARZION: Thirty seconds.

15 MR. WIEDER: -- those are the kind of mechanisms
16 that I think that the CCPA really needs to think about how
17 to best authenticate where the data is coming from that --
18 or the request is coming from. Thank you.

19 MS. MARZION: Thank you.

20 Nicole Smith, I'm going to unmute you at this
21 time. You'll have three minutes to make your comment.
22 Please begin as soon as you're ready.

23 MS. N. SMITH: Hi. Thank you again. This is my
24 second comment, so thank you for hearing me again. I heard
25 one of the last comments that was made, and it did remind me

1 of a trend that I was noticing internally on the company
2 side. We -- in the past couple of years, we have been -- so
3 to remind everyone, again, I'm a privacy and cybersecurity
4 lawyer. I've been doing privacy for 14 years, and then
5 before that, litigation.

6 What I've noticed on the privacy side is a
7 definite uptick in data subject requests that we get for
8 deletion that we are unable to authenticate, meaning we
9 don't even have the data in our systems. But the sheer
10 volume of them makes us wonder, where are these coming from?

11 And they're always coming from the same few
12 sources. And these are sources where -- I don't want to say
13 the company's names, but they're generating these deletion
14 requests and sending us an e-mail that's formatted with a
15 person's name and e-mail address. And in the same e-mail,
16 at the very bottom, they are pitching us their own solution
17 to help us manage the volume of these deletion requests.

18 So they have -- they're creating a problem with
19 the volume, and then they're pitching themselves as the
20 solution. So I think that's something that may not come to
21 this board's mind, but it is a reality that's out there, is
22 with every change in the law, there's always some entities
23 looking to make a business model out of it, right? And to
24 create a need.

25 And that's what we're seeing with some of these

1 deletion request companies, that they're pitching their own
2 services in order to handle the very volume that they create
3 by submitting false deletion requests. So I did want to
4 bring that to the panel or the board's attention that this
5 is a phenomenon that's actually going on.

6 There's more than one company doing it, and, you
7 know, if the volume gets -- so I primarily work at B2B
8 companies in the cybersecurity world, but at B2C companies,
9 their volume is far greater. So they either have to create
10 an in-house solution to handle all of these requests, or
11 engage a third party vendor to handle it.

12 So I would like the board to be mindful of
13 entities that would leverage --

14 MS. MARZION: Thirty seconds.

15 MS. N. SMITH: -- leverage the possibility of
16 sending these requests through unauthenticated. Sorry,
17 still getting over flu. I want to make sure you can hear
18 me. And make sure that there's some accountability, right?
19 Because we don't want false reports going through at such a
20 volume that it cripples companies into having to engage a
21 third party vendor to handle this.

22 Usually, it's the same vendor that's causing the
23 problem that offers their services to help. Thank you very
24 much.

25 MS. MARZION: Thank you for your comment.

1 Again, we'll be here until 2:00. So if you'd like
2 to make a comment at this time, please raise your hand by
3 using the "raised hand" feature on Zoom, or by pressing star
4 nine if you're joining us by phone.

5 Thank you, Serge. I'm going to unmute you this
6 time. You'll have three minutes to make your comment.
7 Please begin as soon as you're ready.

8 MR. EGELMAN: Yeah. Serge Egelman, I spoke before.
9 I'm a researcher at UC Berkeley. I just wanted to follow up
10 on some of the comments about the volumes of requests. The
11 research literature that I'm aware of has documented that
12 these requests usually amount to, on the order of 100 or so
13 a year on average for companies.

14 If companies are receiving many more than that, I
15 think that would -- that information would probably be
16 helpful both to researchers, regulators, and policymakers.
17 Certainly, in the security space, many companies release
18 voluntarily annual reports about various requests for access
19 to their data.

20 And so, you know, having companies release
21 information about the number of requests they receive in
22 this space I think would be very helpful to all of the above
23 parties.

24 MS. MARZION: Serge, is that the end of your
25 comment?

1 MR. EGELMAN: Yes, it is. Sorry.

2 MS. MARZION: Okay. Thank you very much.

3 Okay. Again, we're here until 2:00. So if you
4 have any public comments you'd like to make at this time, go
5 ahead and raise your hand using the "raise hand" feature or
6 by press -- pressing star nine if you're joining us by
7 phone.

8 Craig, I -- I'm going to mute you at this time.
9 You'll have three minutes to make your comment. Please
10 begin as soon as you're ready.

11 MR. ERICKSON: Hello, my name's Craig Erickson.
12 Thank you very much. I may have missed it earlier in the
13 presentation, but I was wondering how consumers are going to
14 be notified of fulfilment of their requests, especially when
15 they're opting out of a lot of different data brokers.

16 Are those going to be acknowledgements that are
17 sent, or some type of notification that's sent to either
18 authorized agents or consumers letting them know that their
19 requests were fulfilled? It's something that's very
20 important, and if I missed it, you know, hopefully I'll be
21 able to find it again in your slide materials.

22 That's the end of my comment. Thank you very
23 much.

24 MS. MARZION: Thank you so much.

25 Again, public comment will be -- will remain open

1 today until 2:00. So please raise your hand using Zoom's
2 "raised hand" feature or dial nine if you're joining us by
3 phone to make a comment. Thank you.

4 Justin, I'm going to unmute you at this time.
5 You'll have three minutes to make your comment. Please
6 begin as soon as you're ready.

7 MR. THOMAS: Thank you so much. Justin Thomas,
8 searchbug.com California data broker. Just kind of wanted
9 to echo some of the earlier comments regarding vetting and
10 authentication for opt-out requests. That would be one of
11 our biggest concerns, is just making sure that, you know,
12 2FA is employed or some sort of identity verification is
13 employed when accepting these opt-outs.

14 You know, as a small business becomes sort of a
15 labor issue to have, you know, people in place to process
16 these requests, just need to make sure that they are
17 properly vetted upon receipt. That's my only comment.
18 Thank you.

19 MS. MARZION: Thank you so much.

20 Hello, Michelle. I'm going to unmute you at this
21 time. You'll have three minutes to make your comment.
22 Please begin as soon as you're ready.

23 MS. M. SMITH: Great. Thank you, Liz.

24 I'm Michelle Smith. My second comment here based
25 on questions that I submitted late after 5:00 yesterday, and

1 then some comments that I heard earlier today, which sparked
2 a lot of great ideas that I'm hoping that maybe would be
3 helpful.

4 So reading back on the prompts of what was sent
5 out for these meeting invitations, what I'm seeing is --
6 what I'm referring to is the first prompt of verifiable
7 consumer requests. So there are A, B, and C sections. So
8 my commentary is going to refer to prompt number one, A and
9 C.

10 So in the process of consumer request, how about
11 if we have something fundamental like what's required is
12 first name, last name, and one of the following options,
13 like phone number or e-mail address or mailing address to
14 receive the request confirmation.

15 This data should be able to be found on a credit
16 report for cross-reference purposes, perhaps allowing the
17 process for the consumer to pick which of the top three
18 bureaus to pull verification information. Perhaps take note
19 from the free annual credit report websites process, make
20 the process as easy as requesting a fraud alert or a credit
21 freeze.

22 And then there was a provocative and illuminating
23 point made earlier about data tied to metadata like IP
24 addresses. Just like the ease of the Do Not Call Registry,
25 at least the spirit of the registry, can we aim for a do not

1 data collect registry for device IP addresses also known as
2 private IP addresses?

3 The user experience would be this, me, a
4 California resident or a consumer who does business with a
5 California entity, goes to CPPA website that identifies my
6 IP address -- my device's IP address, I consent to have the
7 device IP identified by the platform and I consent to have
8 that device IP included on the do not data collect registry.
9 This is device level opt-in.

10 Then request confirmation number popup appears.
11 I'm prompted to screen capture it, and I'm able to input
12 that confirmation number into a platform to verify that my
13 request is active. On the administrative side, the registry
14 platform batch pushes these requests to the data brokers,
15 maybe as ad hoc or maybe as a set cadence of hourly or
16 daily.

17 There might be an opportunity to work with
18 Security Expert Troy Hunt, who runs, Have I Been Pwned, so a
19 consumer can determine if the requests are being honored and
20 which data brokers are caught in data breaches involving the
21 exfiltration of private IP addresses. So if you don't know
22 about --

23 MS. MARZION: Thirty seconds.

24 MS. M. SMITH: -- Have I Been Pwned, you can go to
25 that website and type in all of your e-mail addresses and

1 determine whether they have been found in data exploits such
2 as LinkedIn. There have been links of LinkedIn. What else?
3 Evite, Adobe. I'm naming the ones that I know that I've
4 been involved in.

5 But you type in any of your addresses, you can
6 find whether your information is on -- the dark web has been
7 found there. You can -- might even assume that it's being
8 bartered, sold, traded but I think it would be a good idea
9 for this ideal registry to partner with an existing registry
10 in order to determine if anybody's involved in active
11 breaches.

12 And I think it's also a good idea on a device
13 level to opt-in to a do not contact, do not sell my data, do
14 not track sort of registry. That's the end of my comment.
15 Thank you.

16 MS. MARZION: Thank you very much.

17 Again, we're going to have public comment today
18 until 2:00 p.m. So please raise your hand using the Zoom's
19 "raised hand" feature or dial star nine to join by phone to
20 make a comment. Thank you.

21 MS. ALLEN: Thanks so much everyone for joining us.
22 We have about 15 minutes left in this public comment
23 session. We will remain open until 2:00 p.m. I wanted to
24 encourage folks to get their comments in if you have
25 anything less -- left you'd like to share with us in this

1 next 15 minutes.

2 MR. LAIRD: Thank you for the long haulers who have
3 continued to stay on with us until 2:00. We really
4 appreciate you joining today's session, and we appreciate
5 everybody who took the opportunity to provide comment both
6 in writing over the past month, as well as today during this
7 -- during this stakeholder meeting.

8 We look forward to continuing to work with
9 everyone on this project and on these regulations as they
10 develop, and we look forward to another time. I see we do
11 have one more hand. Yes. Okay.

12 If, Liz, you can -- oh, the hand went away. Okay.
13 I'm going to go ahead and assume that's all. We're at 2:00
14 now, so we'll go ahead and close down the session. Thank
15 you again to everybody who participated, and please continue
16 monitoring both our regulations e-mail, as well as our board
17 meetings and other materials on our websites for updates on
18 the continued development of the DROP system.

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